

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
OCTOBER 26, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Vice Mayor Wieckowski led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council approved the minutes for the Regular Meeting of October 12, 2010, the Special and Regular Meetings of July 27, 2010, the Special and Joint City Council and Redevelopment Agency Work Session Meetings of July 20, 2010, the Regular Meeting of July 13, 2010, the Special and Regular Meetings of July 6, 2010, and the Work Session and Regular Meeting Minutes of June 15, 2010

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

*** 2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Located at 44411 Mission Boulevard from Open Space (O-S) to Single Family Residence (R-1-6) Hillside Combining District (H-I)**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council adopted Ordinance No. 18-2010.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration to Authorize the City Manager to Execute a Ten-Year Lease Agreement with Alameda County Water District for an Outdoor Firing and Target Range Located near Patterson Reservoir**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. Authorized the City Manager or his designee to execute a ten year lease agreement with Alameda County Water District for a five acre site located near Patterson Reservoir.
2. Appropriated \$268,000 of the available Capital Projects Fund (fund 501) fund balance to 501PWC8475, "Police Firing Range Lead Abatement" and restrict \$425,000 of the fund's cash and investments account for purposes of securing the City's clean-up obligations under the lease.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Ken Nishimura expressed concern related to roadway conditions for cyclists at the intersection of Mission and Niles Boulevards and proposed Highway 84 improvements, and expressed concern related to availability of sandbags should a flood condition arise and the overgrown weeds in the flood control channel located behind Fire Station 10.

5. SCHEDULED ITEMS

*Consent Items

5.1 Mayor Wasserman opened consideration to Introduce and Consider Ordinances and Findings Adopting and Amending the 2010 California Building Standards Code and Adopting by Reference Certain Appendix Chapters of the 2010 California Building Standards Codes, and Making Conforming Changes to the Fremont Municipal Code

Building Official Steven Davis provided an overview of the Code adoption process, identified local conditions that warranted amending the Code, outlined major changes in the 2010 Code, and identified a list of topic areas that staff is proposing to continue with amendments. Staff responded to questions from Councilmembers. Mayor Wasserman opened the item for public comment. There were no speakers. Mayor Wasserman closed public comment. Councilmembers provided comment.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing.
2. Waived full reading and introduced ordinances adopting and amending to the 2010 California Building, Electrical, Plumbing, Mechanical, Residential, Green Building, Existing Building, and Fire Codes.
3. Directed staff to prepare and the City Clerk to publish a summary of the proposed ordinances.
4. Directed the City Clerk to publish a notice of public hearing to consider adoption of the ordinances in accordance with Government Code Section 6066 and 50022.3.
5. Directed staff to engage the commercial sector in outreach regarding the commercial green building requirements and return to Council with potential amendments for mandatory green building requirements in one year.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

5.2 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Planning Commission Recommendation for Certification of an Environmental Impact Report (EIR) and approval of a General Plan Amendment, Preliminary and Precise Planned District and Development Agreement for up to 500 Residential Units on 101 Acres Generally Located Northeast of the Intersection of Paseo Padre Parkway and Ardenwood Boulevard in the Northern Plain Planning Area (PLN2005-00186)

Associate Planner Scott Ruhland introduced members of the Project Team, provided an overview of the project, identified significant impacts and unavoidable impacts identified by the environmental review, summarized terms of the Development Agreement, and highlighted sustainable building measures.

Mayor Wasserman opened the public hearing. Richard Frisbie (applicant) presented reasons for supporting the proposed project. Mr. Frisbie responded to questions from Councilmembers. Steve Hancock expressed concern related to the natural gas pipeline located near the project area. Helen Hancock, Ken Nishimura, Carin High (Citizens Committee to Complete the Refuge), Evelyn Cormier (Ohlone Audubon Society), Wayne Miller, Dan Ondrasek and Jana Sokale (Friends of Coyote Hills), Ann Rice, Greg Scott, Charlotte Allen (Sierra Club), Kathy McDonald, Elizabeth Ames (Save Our Hills), Dhaval Shah, Viquar Hussain, and Max Makhijani expressed opposition to any development west of Ardenwood Boulevard, and expressed concerns related to geologic impacts related to liquefaction and lateral spreading, existing pesticide and insecticide contamination of the site and remediation process, cultural resource impacts and mitigation, impacts to schools, increased traffic, and overall appropriateness of the project. Bill Spicer and Vinnie Bacon expressed opposition to the proposed project. Stephen Jow (Harvest House Church), Greg Simas, Ayn Wieskamp (East Bay Regional Park District Board Member), Larry Tong (East Bay Regional Park District Manager), Gus Morrison (Tri City Ecology Center), Arthur Tham, Andrew del Rosario, and Lynelle Martin, expressed support for the project. Joshua Wroten (Morning Star Church) and Sherman Williams (Fremont Community Church and CITYSERVE) expressed support for the project and advocated support for religious facilities subject to future Conditional Use Permit review and approval. Pat Mapelli (Cargill) expressed concern related to the detail review of assumptions used for the traffic modeling as they related to Cargill's property and responded to questions from Councilmembers. Jim Morris (Fremont Unified School District Superintendent) expressed concern about the impact the project would have on local schools, particularly Forest Park and Ardenwood Elementary schools. Mr. Frisbie (applicant) providing rebuttal comments. There were no other speakers. Mayor Wasserman closed the public hearing.

Another question and answer period followed with the applicant. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing.
2. Adopted Resolution No. 2010-60 certifying that the Final Environmental Impact Report (Exhibit "A") has been completed in compliance with the requirements of CEQA, and that the City Council has considered the information contained in the Final EIR and that it reflects the City Council's independent judgment and analysis; making findings of fact related to impacts, and adopting a mitigation monitoring and reporting program and a statement of overriding considerations.
3. Adopted Resolution No. 2010-61 approving a General Plan Land Use Amendment from Open Space, 0.25-1 unit/acre, Study Area #12 and Urban Reserve to Residential Low, 4-6 units per acre, and eliminating the "Study Area" designation on lands westerly of Ardenwood Boulevard as shown on Exhibit "B" (General Plan Amendment Land Use Diagram).

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None

Absent: None
Abstain: None

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council waived full reading and introduced an ordinance Rezoning the subject property from Agriculture and Agriculture (Flood Combining) to Planned District P-2005-186, as shown on Exhibit “C” (Planned District Rezoning Map), and a Preliminary and Precise Planned District P-2005-186 as shown on Exhibit “D” (Illustrative Plan, Precise Site Plan, Lot Plans, Landscape Plans and Park Design Details and Community Building Floor Plan and Elevations) finding the project conforms to the goals, objectives, and policies of the General Plan Small Lot Single Family Design Guidelines, with the development standards design guidelines set forth in Exhibit “E” and subject to findings and conditions as set forth in Exhibit “G.” Additionally, the City Council requested (and the applicant agreed) that an additional five acres of land be dedicated.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Harrison and Chan
Noes: Councilmember Natarajan
Absent: None
Abstain: None

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council found the Development Agreement, as shown on Exhibit “F,” fulfills the applicable requirements set forth in the Fremont Municipal Code based upon findings set forth in Exhibit “G,” and waived full reading and introduced an ordinance approving a the Development Agreement.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Harrison and Chan
Noes: Councilmember Natarajan
Absent: None
Abstain: None

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council directed staff to meet with the School District, property owners’ representative and the developers to attempt to resolve the school issues, and instructed staff to return to the City Council with a report on Cargill’s request relating to the upcoming General Plan EIR.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 11:00 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor